

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 2550**

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**Introduced by Assembly Member Roger Hernández**

February 21, 2014

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An act to amend ~~Section 1410~~ *Sections 1000, 1301, and 13112* of the Elections Code, relating to elections.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2550, as amended, Roger Hernández. ~~Local referendum. Election dates.~~

*Existing law establishes election dates in each year, which are the second Tuesday of April in each even-numbered year, the first Tuesday after the first Monday in March of each odd-numbered year, the first Tuesday after the first Monday in June in each year, and the first Tuesday after the first Monday in November of each year. Existing law requires all state, county, municipal, district, and school district elections to be held on an established election date, except for a special election called by the Governor, an election held in a chartered city or chartered county, certain school district elections, a local ballot measure or local recall election, and an all-mailed ballot election.*

*This bill would eliminate the established election dates in March and April, and would modify the established election date in June to each even-numbered year instead of each year. The bill would provide that these provisions may not be construed to shorten the term of office of any officeholder, as specified, or as altering the date of a runoff election provided for in the principal act of a district.*

*By increasing the duties of local elections officials, this bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

~~Existing law requires an election for a county or municipal referendum that qualifies, as specified, to be held at the jurisdiction's next regular election occurring not less than 88 days after the date of the order of election or at a special election called for that purpose not less than 88 days after the date of the order of election.~~

~~This bill would make a technical, nonsubstantive change to this provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: ~~no~~ yes.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 1000 of the Elections Code is amended*  
2     *to read:*

3     1000. The established election dates in each year are as follows:

4     ~~(a) The second Tuesday of April in each even-numbered year.~~

5     ~~(b) The first Tuesday after the first Monday in March of each~~  
6     ~~odd-numbered year.~~

7     ~~(c)~~

8     (a) The first Tuesday after the first Monday in June in each  
9     *even-numbered year.*

10    ~~(d)~~

11    (b) The first Tuesday after the first Monday in November of  
12    each year.

13    *SEC. 2. Section 1301 of the Elections Code is amended to read:*

14    1301. (a) Except as required by Section 57379 of the  
15    Government Code, and except as provided in subdivision (b), a  
16    general municipal election shall be held on an established election  
17    date pursuant to Section 1000.

18    ~~(b) (1) Notwithstanding subdivision (a), a~~ A city council may  
19    enact an ordinance, pursuant to Division 10 (commencing with  
20    Section 10000), requiring its general municipal election to be held

on the same day as the statewide direct primary election, the day of the statewide general election, *or* on the day of school district elections as set forth in Section 1302, ~~the first Tuesday after the first Monday of March in each odd-numbered year, or the second Tuesday of April in each year.~~ Any ordinance adopted pursuant to this subdivision shall become operative upon approval by the board of supervisors.

(2) In the event of consolidation, the general municipal election shall be conducted in accordance with all applicable procedural requirements of this code pertaining to that primary, general, or school district election, and shall thereafter occur in consolidation with that election.

(c) If a city adopts an ordinance described in subdivision (b), the municipal election following the adoption of the ordinance and each municipal election thereafter shall be conducted on the date specified by the city council, in accordance with subdivision (b), unless the ordinance in question is later repealed by the city council.

(d) If the date of a general municipal election is changed pursuant to subdivision (b), at least one election shall be held before the ordinance, as approved by the board of supervisors, may be subsequently repealed or amended.

*SEC. 3. Section 13112 of the Elections Code is amended to read:*

13112. The Secretary of State shall conduct a drawing of the letters of the alphabet, the result of which shall be known as a randomized alphabet. The procedure shall be as follows:

(a) Each letter of the alphabet shall be written on a separate slip of paper, each of which shall be folded and inserted into a capsule. Each capsule shall be opaque and of uniform weight, color, size, shape, and texture. The capsules shall be placed in a container, which shall be shaken vigorously in order to mix the capsules thoroughly. The container then shall be opened and the capsules removed at random one at a time. As each is removed, it shall be opened and the letter on the slip of paper read aloud and written down. The resulting random order of letters constitutes the randomized alphabet, which is to be used in the same manner as the conventional alphabet in determining the order of all candidates in all elections. For example, if two candidates with the surnames Campbell and Carlson are running for the same office, their order

1 on the ballot will depend on the order in which the letters M and  
2 R were drawn in the randomized alphabet drawing.

3 (b) (1) There shall be ~~six~~ *three* drawings, ~~three~~ *two* in each  
4 even-numbered year and ~~three~~ *one* in each odd-numbered year.  
5 Each drawing shall be held at 11 a.m. on the date specified in this  
6 subdivision. The results of each drawing shall be mailed  
7 immediately to each county elections official responsible for  
8 conducting an election to which the drawing is applicable, who  
9 shall use it in determining the order on the ballot of the names of  
10 the candidates for office.

11 ~~(A) The first drawing under this subdivision shall take place on~~  
12 ~~the 82nd day before the April general law city elections of an~~  
13 ~~even-numbered year, and shall apply to those elections and any~~  
14 ~~other elections held at the same time.~~

15 ~~(B)~~

16 (A) The ~~second~~ *first* drawing under this subdivision shall take  
17 place on the 82nd day before the ~~direct primary of an~~ *first Tuesday*  
18 *after the first Monday in June of each* even-numbered year, and  
19 shall apply to all candidates on the ballot in that election.

20 ~~(C)~~

21 (B) (i) The ~~third~~ *second* drawing under this subdivision shall  
22 take place on the 82nd day before the November general election  
23 of an even-numbered year, and shall apply to all candidates on the  
24 ballot in the November general election.

25 (ii) In the case of the primary election and the November general  
26 election, the Secretary of State shall certify and transmit to each  
27 county elections official the order in which the names of federal  
28 and state candidates, with the exception of candidates for State  
29 Senate and Assembly, shall appear on the ballot. The elections  
30 official shall determine the order on the ballot of all other  
31 candidates using the appropriate randomized alphabet for that  
32 purpose.

33 ~~(D) The fourth drawing under this subdivision shall take place~~  
34 ~~on the 82nd day before the March general law city elections of~~  
35 ~~each odd-numbered year, and shall apply to those elections and~~  
36 ~~any other elections held at the same time.~~

37 ~~(E) The fifth drawing under this subdivision shall take place on~~  
38 ~~the 82nd day before the first Tuesday after the first Monday in~~  
39 ~~June of each odd-numbered year, and shall apply to all candidates~~  
40 ~~on the ballot in the elections held on that date.~~

1     ~~(F)~~

2     (C) The ~~sixth~~ *third* drawing under this subdivision shall take  
3 place on the 82nd day before the first Tuesday after the first  
4 Monday in November of the odd-numbered year, and shall apply  
5 to all candidates on the ballot in the elections held on that date.

6     (2) In the event there is to be an election of candidates to a  
7 special district, school district, charter city, or other local  
8 government body at the same time as one of the ~~five~~ *three* major  
9 election dates specified in subparagraphs (A) to ~~(F)~~, (C), inclusive,  
10 and the last possible day to file nomination papers for the local  
11 election would occur after the date of the drawing for the major  
12 election date, the procedure set forth in Section 13113 shall apply.

13     (c) Each randomized alphabet drawing shall be open to the  
14 public. At least 10 days prior to a drawing, the Secretary of State  
15 shall notify the news media and other interested parties of the date,  
16 time, and place of the drawing. The president of each statewide  
17 association of local officials with responsibilities for conducting  
18 elections shall be invited by the Secretary of State to attend each  
19 drawing or send a representative. The state chairman of each  
20 qualified political party shall be invited to attend or send a  
21 representative in the case of drawings held to determine the order  
22 of candidates on the primary election ballot, the November general  
23 election ballot, or a special election ballot as provided for in  
24 subdivision (d).

25     (d) In the case of any special election for State Assembly, State  
26 Senate, or Representative in Congress, on the first weekday after  
27 the close of filing of nomination papers for the office, the Secretary  
28 of State shall conduct a public drawing to produce a randomized  
29 alphabet in the same manner as provided for in subdivisions (a)  
30 and (c). The resulting randomized alphabet shall be used for  
31 determining the order on the ballot of the candidates in both the  
32 primary election for the special election and in the special election.

33     *SEC. 4. (a) This act shall not be construed to alter the date of*  
34 *a runoff election provided for in the principal act of a district.*

35     *(b) This act shall not be construed to shorten the term of office*  
36 *of any officeholder in office on the effective date of this act. For*  
37 *each office for which this act causes the election to be held at a*  
38 *later date than would have been the case in the absence of this*  
39 *act, the incumbent shall hold office until a successor qualifies for*

1 *the office, but in no event shall the term of an incumbent be*  
2 *extended by more than four years.*

3 *(c) No later than 30 days after the effective date of this act, each*  
4 *county elections official shall cause a notice to be mailed to all*  
5 *registered voters in his or her jurisdiction informing the voters of*  
6 *the change in each election date. The notice shall also inform the*  
7 *voters whether, as a result of the change in the election date, an*  
8 *incumbent's term of office will be extended.*

9 *SEC. 5. If the Commission on State Mandates determines that*  
10 *this act contains costs mandated by the state, reimbursement to*  
11 *local agencies and school districts for those costs shall be made*  
12 *pursuant to Part 7 (commencing with Section 17500) of Division*  
13 *4 of Title 2 of the Government Code.*

14 ~~SECTION 1. Section 1410 of the Elections Code is amended~~  
15 ~~to read:~~

16 ~~1410. The election for a county or municipal referendum that~~  
17 ~~qualifies under Section 9144 or 9237 shall be held at the~~  
18 ~~jurisdiction's next regular election occurring not less than 88 days~~  
19 ~~after the date of the order of election or at a special election called~~  
20 ~~for that purpose not less than 88 days after the date of the order of~~  
21 ~~election.~~